

IN RE: PETITION FOR ZONING VARIANCE  
W/S Stable Gate Court, 134' N of  
the c/l of Silver Spring Road  
(A Stable Gate Court)  
11th Election District  
5th Councilmanic District  
George A. Klimes, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-87-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a window to lot line setback of 2 feet in lieu of the minimum required 15 feet, and an amendment to the First Amended Final Development Plan of the Mazzetta Property to build outside of the building envelope, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by George A. Klimes, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 4 Stable Gate Court, consists of .173 acres zoned D.R. 5.5, and is improved with a single family dwelling. Mr. Klimes testified the Petitioners are desirous of constructing a 16' x 24' addition with a 2' overhang at the rear of the existing dwelling as set forth in Petitioner's Exhibit 1. The addition will be 2 feet from the side property line. He testified the location proposed for the addition will allow Petitioners to retain a window and resulting sunlight in the existing kitchen. Mr. Klimes testified that the granting of the variance will not result in any detriment to the health, safety, or general welfare of the community inasmuch as the variance requested abuts two 15-foot panhandle driveways. He further testified that he has spoken with the adjoining property owners who have no objections to their plans.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of September, 1989 that the Petition for Zoning Variance to permit a window to lot line setback of 2 feet in lieu of the minimum required 15 feet, and an amendment to the First Amended Final Development Plan of the Mazzetta Property to build outside of the building envelope, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:djs

- 2 -

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 504.2 (IV.B.6.b.1) to permit a 2' window to lot line setback in lieu of the minimum 15' and an amendment to the First Amended Final Development Plan of Mazzetta Property to build outside of the building envelope.

WE DESIRE TO ADD A SUNROOM WITH AN INDOOR SPA AT THE REAR OF THE EXISTING DWELLING. EVEN THO WE COULD LOCATE IT WHERE THE SIDE WALL WOULD BE AT LEAST 15' FROM THE SIDE PROP. LINE WE DO NOT WANT TO BLOCK THE ONLY EXISTING KITCHEN WINDOW. THE WINDOWS ON THE SIDE (GARTH) WALL WILL PROVIDE CROSS VENTILATION FOR THE SPA. A 15' STRIP HAS A 15' DANE PREVENT ANY DWELLING CONSTRUCTION WITHIN AT LEAST 30' FROM THE PROPOSED ADDITION.

Property is to be posted and advertised as prescribed by Zoning Regulations. If we, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

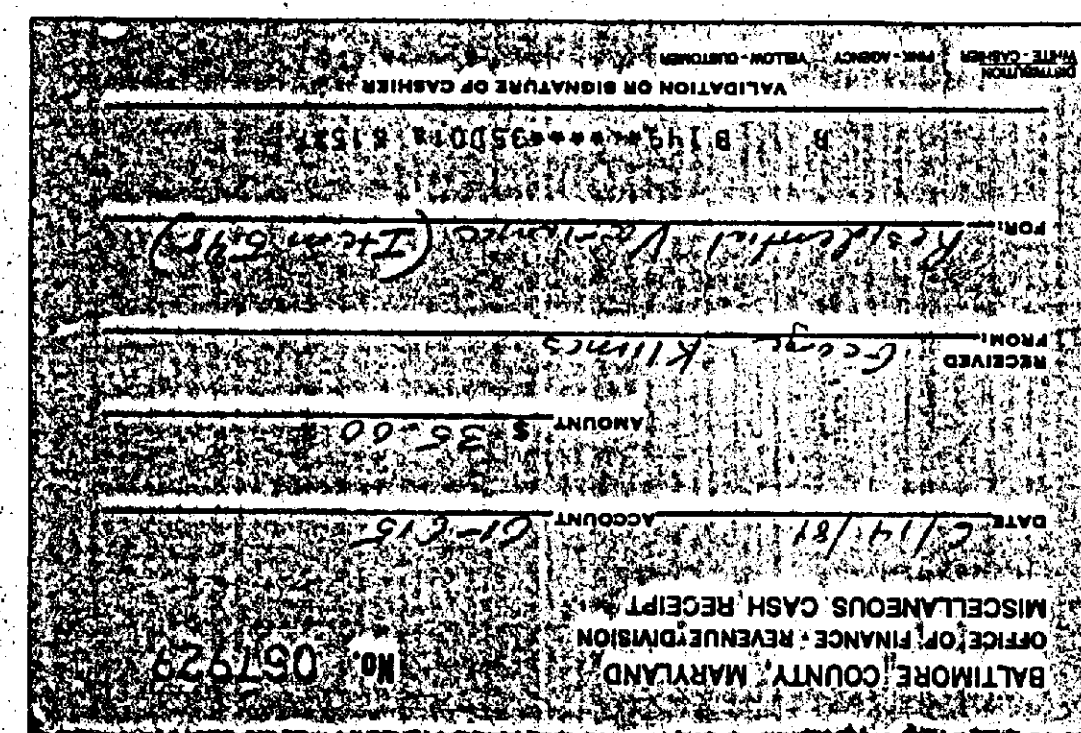
Tracking System

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning

Date	Receipt	FEE	Identification Number	Council District	Election District	Zip Code
Day Month Year	Number	TYPE				
11/06/89	007927	01	01-6156	11	31	1128

Petitioner: Klimes, George (Last) (First) (Middle Initial)

Property Address: 4 Stable Gate Court (Number) (Street)



ESTIMATED LENGTH OF HEARING (1/2HR) + 1HR.  
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER DATE 6/14/90  
REVIEWED BY: MJK

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 11th Date of Posting 8/22/89  
Posted for: Variance  
Petitioner: George A. Klimes, et ux  
Location of property: W/S Stable Gate Court, 134' N of Silver Spring Rd.  
Location of Sign: Facing Stable Gate Court, 15' from road way, ex property of Petitioner  
Remarks: M. J. Klimes  
Date of return: 8/25/89  
Number of Signs: 1

MICROFILMED

Ms. Ann M. Nastarowicz,  
Deputy Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Nastarowicz:

My building contractor applied for a building permit on June 6 and was told by the Zoning clerk that his application did not match the variance on file for my property (case #90-87-A). His application, however, does request to build what is shown on the modified site plan which you approved on October 31, 1989. I'm enclosing a copy of it and a copy of a letter you sent me concerning the matter in case the originals of these did not get put into my file. Would you please sign off the zoning for the permit if everything appears to be in order. If there is still a problem you may contact me at work at 798-0459, at home at 256-7487, or my contractor at 879-5436.

Sincerely,  
George A. Klimes  
George A. Klimes

cc: Best Contracting Co., Inc.

MICROFILMED

RECEIVED  
JUN 12 1990  
ZONING OFFICE

ZONING DESCRIPTION

Beginning on the west side of Stable Gate Court 60 feet wide, at the distance of 124 feet north of the centerline of Silver Spring Road, being lot 5 on a plat entitled "MAZZETTA PROPERTY", Book EHK JR No. 55, Folio 004, in the subdivision of Stable Gate. Also known as 4 Stable Gate Court in the 11th Election District.

Ms. Ann M. Nastarowicz,  
Baltimore County Deputy Zoning Commissioner  
111 West Chesapeake Avenue  
Room 109  
Towson, Maryland 21204

Dear Commissioner:

On September 25, 1989 you approved a Zoning Variance for my property and an Amendment to the Development Plan of the Mazzetta Property, case #90-87-A. Not realizing that my Petition had been submitted and was already set for a Hearing, my architect made two changes in the plans that were submitted for the Hearing as Exhibit 1. They are:

- 1) Decreasing the overall length of the proposed addition from 24' to 22' and adding a 10' x 10' room for an indoor spa adjoining the proposed addition with the same 2' side lot line setback with NO additional windows on the north side rather than incorporating the spa in the proposed addition as originally planned, which presents a problem. The 10' x 10' room will be situated within the area of the wood deck without going beyond the original deck dimensions.
- 2) Adding a 4' x 8' wood deck with a zero lot line setback at the side exit door of the addition with steps leading to both the front and rear yards to provide a semi-concealed space for garbage cans.

The changes are shown in red on the enclosed copy of the original exhibit.

Since the Petition was approved so recently, Mr. John Alexander suggested that I write to you to ask whether you would consider these changes to fall within the spirit and intent of the hearing and your Order. If not, would you please advise whether I should seek an amendment or another variance. He advised that I submit a check for \$35.00 made out to Baltimore County, which is enclosed. If you need further information on the above, my home phone number is 256-7487. Thank you for your consideration.

Sincerely,  
George A. Klimes  
George A. Klimes

RECEIVED  
OCT 25 1989  
ZONING OFFICE

MICROFILMED

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

August 2, 1989

NOTICE OF HEARING

Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 109 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-87-A  
W/S Stable Gate Court, 134' N of c/l of Silver Spring Road  
4 Stable Gate Court  
11th Election District - 5th Councilmanic  
Petitioner(s): George A. Klimes, et ux  
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 6, 1989 at 2:00 p.m.

Variance to permit a 2 ft. window to lot line setback in lieu of the minimum 15 ft. and an amendment to the First Amended Final Development Plan of Mazzetta Property to build outside of the building envelope.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:gs  
cc: Mr. & Mrs. Klimes  
File



Baltimore County  
Zoning Commission  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3323

J. Robert Haines  
Zoning Commissioner

Mr. & Mrs. George A. Klimes  
4 Stable Gate Court  
Perry Hall, Maryland 21228

Re: Petition for Zoning Variance  
CASE NUMBER 90-87-A  
W/S Stable Gate Court, 134' N of Silver Spring Road  
4 Stable Gate Court  
11th Election District - 5th Councilmanic  
Petitioner(s): George A. Klimes, et ux  
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 6, 1989 at 2:00 p.m.

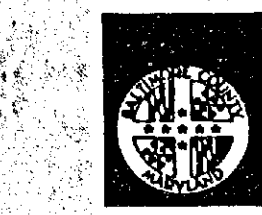
Dear Mr. & Mrs. Klimes:

Please be advised that \$103.60 is due for advertising and posting of the above captioned property.

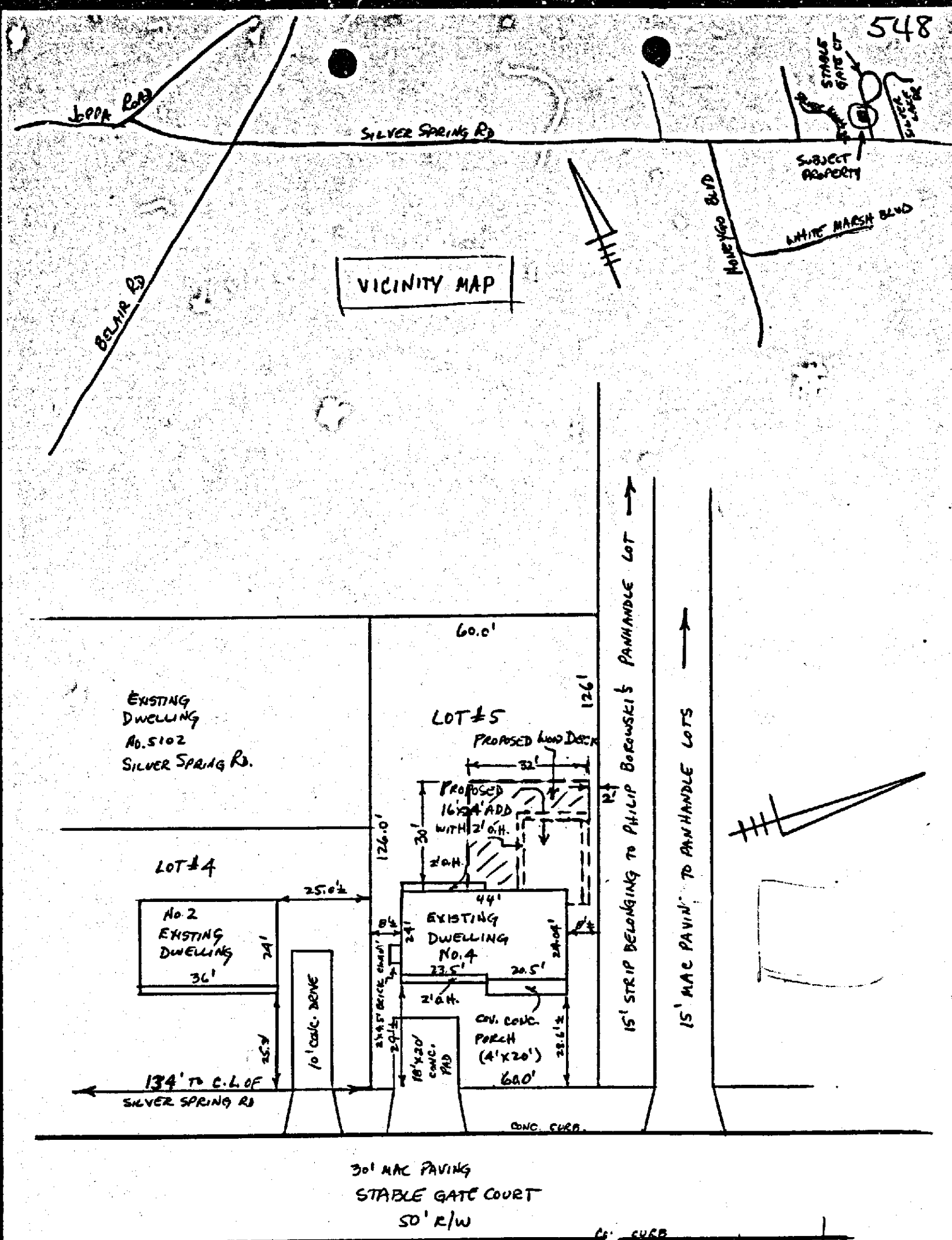
THIS FEE MUST BE PAID AND THE ZONING SIGN A POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN A POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign a post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 074529  
DATE: 8/24/89  
AMOUNT: \$103.60  
PAID TO: George A. Klimes, et ux  
Posting & Adv. for 8/24/89 Hearing 90-87-A  
MICROFILMED



Dennis F. Rasmussen  
County Executive



PLAN FOR ZONING VARIANCE LOT SIZE: 7600 SQ. FT.

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 22, 1989  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting for June 13, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 493, 514, 517, 520, 521, 522, 524, 528, 529, 531, and 532.

For Item 511, the minimum panhandle width for one lot is 20 feet, not 10 feet as shown on the plan.

For Items 513, 516 and 533 the previous County Review Group Comments still apply.

For Item 519, all lots must have in-fee frontage to a public road.

For Item 530, comments are attached.

Robert W. Bowling  
P.E.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

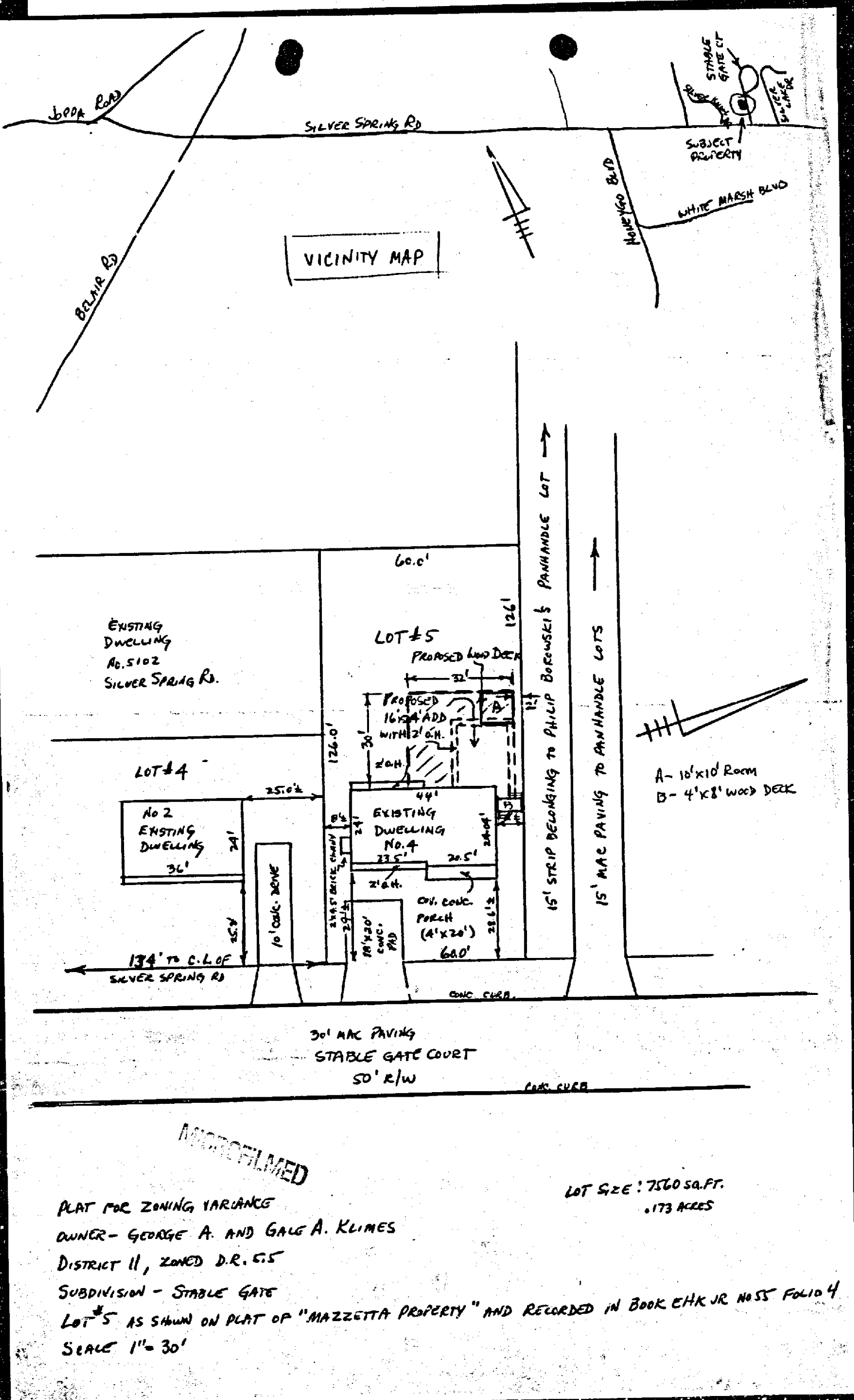
TO: J. Robert Haines  
Zoning Commissioner  
DATE: August 16, 1989  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: George and Gale Klimes, Item 548  
Zoning Petition No. 90-87-A

The petitioners request a variance to permit a 2 foot window to lot line setback in lieu of the required 15 feet and an amendment to the Final Development Plan.

In reference to the above request, the Office of Planning and Zoning offers no comment.

PK/JL/sf

Baltimore County  
Zoning Commission  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
receipt  
Account: R-001.6150 No. 3328  
Date: 8/31/90  
COPIES: 740 -PHOTOCOPIES  
QTY: 11 X  
PRICE: \$11.00  
TOTAL: \$11.00  
C9100509  
040440082MCHRC  
SA C01043AM09-31-90  
\$11.00  
Please forward to this office a copy of the transcript in the above referenced case.  
We have enclosed a check in the amount of \$11.00. We understand the transcript is 11 pages.  
Thank you.  
Very truly yours,  
Robert E. Polack  
REPKS  
AUG 30 1990  
ZONING OFFICE



PLAN FOR ZONING VARIANCE  
OWNER - GEORGE A. AND GALE A. KLIMES  
DISTRICT II, ZONED D.R. 65  
SUBDIVISION - STABLE GATE  
LOT 5 AS SHOWN ON PLAN OF "MAZZETTA PROPERTY" AND RECORDED IN BOOK EHKUR NO. 55 FOLIO 4  
SCALE 1"=30'

CERTIFICATE OF PUBLICATION

August 18, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 17, 1989.

THE JEFFERSONIAN  
NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

S. Zehe  
Publisher

PO 15181

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2586  
(301) 887-4500  
Paul H. Reincke  
Chief

JUNE 26, 1989

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: GEORGE A. KLIMES  
Location: W/S OF STABLE GATE COURT, 134' N OF CENTERLINE OF SILVER SPRING ROAD  
Item No.: 548 Zoning Agenda: JUNE 27, 1989

Gentlemen:  
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. David Kelly, 6-26-89 Noted and Approved  
Planning Group Special Inspection Division Fire Prevention Bureau

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

July 24, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

RECEIVED  
AUG 3 1989  
ZONING OFFICE

Dear Mr. Haines:  
The Bureau of Traffic Engineering has no comments for items number 525, 526, 527, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 557, 558 and 559.

Very truly yours,  
Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/2.ab